

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIRNA E. SERRANO et al,

Plaintiffs,

and

Case No. 04-40132

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor,

v.

CINTAS CORPORATION,

Defendant.

Consolidated for Pre-Trial Proceedings With

BLANCA NELLY AVALOS , et al,

Plaintiffs,

and

Case No. 06-12311

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

HONORABLE SEAN F. COX
United States District Judge

Plaintiff-Intervenor

v.

CINTAS CORPORATION,

Defendant.

_____ /

OPINION & ORDER DENYING THE EEOC'S
MOTION FOR PROTECTIVE ORDER [Doc. No. 706]

On December 23, 2005, the Equal Employment Opportunity Commission (EEOC) filed complaints as an intervening plaintiff in ~~Settling and Avalos~~ ~~Settling and Avalos~~ cases, bringing causes of action against Defendant Cintas Corporation ~~Cintas~~ under Sections 705 and 706 of Title VII to the Civil Rights Act, 42 U.S.C. §§ 2000e-4, e-5. The Court held a scheduling conference in this matter on August 10, 2009, after which a scheduling order was entered ~~See~~ by the Court [Doc. No. 646].

Since that time, the EEOC has taken the position that this action should be tried pursuant to the proof framework announced in ~~Interim~~ ~~International Brotherhood of Teamsters v. United States~~ 431 U.S. 324 (1977). On January 14, 2010, the EEOC filed the instant Motion for Protective Order [Doc. No. 706], arguing that individualized analysis is not appropriate at this stage, and seeking a protective order from the Court precluding Cintas from taking the depositions of individual plaintiffs until the second stage of proceedings ~~Teamster~~ ~~Teamster~~ framework.

On February 9, 2010, the Court entered its Opinion & Order Granting Defendant's Motion for Judgment on the Pleadings [Case No. 04-40132, Doc. No. 723; Case No. 06-123 Doc. No. 571], in which the Court held that the EEOC was precluded from advancing its claim against Cintas in the instant action under the pattern or practice framework, but instead must proceed under the burden-shifting framework ~~McDonnell Douglas~~ ~~McDonnell Douglas~~ Corp. v. Green, 422 U.S. 792 (1973). Therefore, the EEOC's instant Motion for Protective Order [Doc. No. 706], which was entirely dependant upon this action proceeding under the

Teamster framework, **DENIED**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: February 9, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record February 9, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager